

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

-against-

20-cr-0176 (LAK)

MICHAEL HAWKINS,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge.*

This defendant, who has been detained on consent in view of the pendency of a state g:\lak\detainer has applied for release on bail now that the state detainer has been lifted. The Court heard argument on the bail application yesterday.

Defense counsel has proposed a package including home detention with electronic monitoring. The government opposes, contending that it has sustained its burden of establishing that no condition or combination of conditions could ensure public safety in the event defendant were released.

In the course of the hearing, the Court sought details regarding the operation of electronic monitoring and the response in the event a person subject to such supervision departs from the permitted area, both generally and in the present situation that is so affected by the pandemic. It asked the government to make a further written submission by tomorrow with the defendant afforded an opportunity to respond later in the week.

After the government contacted Pretrial Services, the Court was advised that Pretrial Services is reluctant to share sensitive information that could find its way into a public submission.

Pretrial Services' concern is entirely well founded. The Court nevertheless requires more information than it now has in order to make an informed decision on whether the conditions proposed by the defendant would protect the public adequately.

In the circumstances, the Court directs the Assistant United States Attorney and the defendant's attorney jointly to discuss the matter with the relevant pretrial services officer with a view toward providing the Court with a joint statement of counsel responsive to the Court's concerns and to the entirely legitimate concerns of Pretrial Services with respect to the release of

too much information about how this frequently used and valuable tool of supervision operates. In the event that a joint statement is not agreeable, each side shall submit its own statement. Any such statement or statements shall be filed under seal on or before Friday, September 4.

SO ORDERED.

Dated: September 1, 2020

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge